



FH  
[REDACTED]

**STATE OF WISCONSIN  
Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOO/150419

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**PRELIMINARY RECITALS**

Pursuant to a petition filed June 28, 2013, under Wis. Admin. Code, §HA 3.03(1), to review a decision by the Winnebago County Dept. of Human Services in regard to FoodShare benefits (FS), a hearing was held on July 31, 2013, by telephone.

The issue for determination is whether the county correctly handled petitioner's FS case.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street  
Madison, Wisconsin 53703

By: Leslie Vosters  
Winnebago County Dept. of Human Services  
P.O. Box 2187  
Oshkosh, WI 54903-2187

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Winnebago County.
2. Petitioner receives FS for herself and one child. In late May petitioner reported an increase in her rent. While making the change the worker learned that \$40 of the rent was a fee for her dogs that is not an allowable expense in the FS calculation, so the worker ended up reducing the rent. By a notice dated June 10, 2013 the county informed petitioner that FS would be reduced to \$16 effective July 1, 2013.

3. Petitioner filed this appeal. When the verification of rent was received by the county, the worker noted that petitioner's husband was on the lease, so on June 24 the worker sent petitioner a verification notice telling her that she needed verification of her husband's residence. The due date was July 3, 2013.
4. The county received no response to the request concerning petitioner's husband, so on July 8, 2013 it notified petitioner that FS would end August 1, 2013 for failure to verify household composition.

### **DISCUSSION**

An FS recipient is required to verify information that can affect eligibility. 7 C.F.R. §273.2(f). If the household fails to verify required information by the time limit, the agency may deny the benefits. 7 C.F.R. §273.14(g)(3); FS Handbook, Appendix 1.2.1.2. The agency should assist the applicant if she requests assistance. FS Handbook, App. 1.2.1.3. If sources of verification are unavailable, the agency should use the best information available. Id.

Two things occurred in this case. First FS were reduced because of a change in rent in the FS budget. It appears that the agency now has petitioner's shelter expenses correctly determined, and it is noted that extra payments for pets cannot be used in the rent expense. FS Handbook, Appendix 4.6.7.2. Second, the county closed FS because petitioner did not verify her husband's residence. She stated at the hearing that she did not receive the verification notice although it was sent to the correct address. She said she would get verification from her landlord that her husband does not live with her (she explained that her husband must be on the lease because he is a co-owner of the mobile home).

I will dismiss the appeal because the county handled the case correctly. However, for practical purposes the FS should be corrected as soon as petitioner provides the requested verification.

### **CONCLUSIONS OF LAW**

The county correctly processed petitioner's FS case when a change in rent was reported.

**THEREFORE, it is**

**ORDERED**

That the petition for review herein be and the same is hereby dismissed.

### **REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

**APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Madison,  
Wisconsin, this 2nd day of August, 2013

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\sBrian C. Schneider  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin \DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on August 2, 2013.

Winnebago County Department of Human Services  
Division of Health Care Access and Accountability